



## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Publication of Iran General License D-1

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice, publication of general license.

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**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control ("OFAC") is publishing General License D-1 issued under the Iranian transactions sanctions program on February 7, 2014. General License D-1 authorizes the exportation, reexportation, or provision to Iran of certain services, software, and hardware incident to personal communications, subject to certain limitations, as well as the importation into the United States of certain software and hardware previously exported to Iran.

**DATES:** Effective Date: February 7, 2014.

**FOR FURTHER INFORMATION CONTACT:** Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622-2490, Assistant Director for Licensing, tel.: 202/622-2480, Assistant Director for Policy, tel.: 202/622-6746, Assistant Director for Regulatory Affairs, tel.: 202/622-4855, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.:

202/622-2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

## **SUPPLEMENTARY INFORMATION:**

### **Electronic and Facsimile Availability**

This document and additional information concerning OFAC are available from OFAC's Web site ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622-0077.

### **Background**

On May 30, 2013, OFAC issued General License D under the Iranian transactions sanctions program and made General License D available on the OFAC Web site ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)). On July 19, 2013, OFAC published General License D in the Federal Register, 78 FR 43278.

On February 7, 2014, OFAC issued General License D-1. General License D-1 clarifies certain aspects of General License D and adds certain new authorizations relating to the exportation, reexportation, or provision to Iran of certain services, software, and hardware incident to personal communications, subject to certain limitations, as well as to the importation

into the United States of certain software and hardware previously exported to Iran. Effective February 7, 2014, General License D-1 replaced and superseded in its entirety General License D. At the time of its issuance on February 7, 2014, OFAC made General License D-1 available on the OFAC Web site ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)). With this notice, OFAC is publishing General License D-1 in the Federal Register.

## **GENERAL LICENSE D-1**

### **General License with Respect to Certain Services, Software, and Hardware Incident to Personal Communications**

(a) Effective February 7, 2014, to the extent that such transactions are not exempt from the prohibitions of the Iranian Transactions and Sanctions Regulations, 31 C.F.R. Part 560 (“ITSR”), and subject to the restrictions set forth in paragraph (b), the following transactions are authorized:

(1) Fee-based services. The exportation or reexportation, directly or indirectly, from the United States or by a U.S. person, wherever located, to Iran of fee-based services incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging.

(2) Fee-based software. (i) Software subject to the EAR. The exportation, reexportation, or provision, directly or indirectly, to Iran of fee-based software subject to the Export

Administration Regulations, 15 C.F.R. parts 730 through 774 (the “EAR”), that is necessary to enable services incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging, provided that such software is designated EAR99 or classified by the U.S. Department of Commerce on the Commerce Control List, 15 C.F.R. part 774, supplement No. 1 (“CCL”), under export control classification number (“ECCN”) 5D992.c.

(ii) Software that is not subject to the EAR because it is of foreign origin and is located outside the United States. The exportation, reexportation, or provision, directly or indirectly, by a U.S. person, wherever located, to Iran of fee-based software that is not subject to the EAR because it is of foreign origin and is located outside the United States that is necessary to enable services incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging, provided that such software would be designated EAR99 if it were located in the United States or would meet the criteria for classification under ECCN 5D992.c if it were subject to the EAR.

**NOTE TO PARAGRAPHS (a)(1) AND (a)(2):** See 31 C.F.R. § 560.540 for authorizations relating to the exportation to persons in Iran of no-cost services incident to the exchange of personal communications over the Internet and no-cost software necessary to enable such services.

(3) Additional Software, Hardware, and Related Services. To the extent not authorized by paragraph (a)(1) or (a)(2), the exportation, reexportation, or provision, directly or indirectly, to Iran of certain software and hardware incident to personal communications, as well as related services, as follows:

(i) in the case of hardware and software subject to the EAR, the items specified in the Annex to this general license;

(ii) in the case of hardware and software that is not subject to the EAR because it is of foreign origin and is located outside the United States that is exported, reexported, or provided, directly or indirectly, by a U.S. person, wherever located, hardware and software that is of a type described in the Annex to this general license provided that it would be designated EAR99 if it were located in the United States or would meet the criteria for classification under the relevant ECCN specified in the Annex to this general license if it were subject to the EAR; and

(iii) in the case of software not subject to the EAR because it is described in 15 C.F.R. § 734.3(b)(3) that is exported, reexported, or provided, directly or indirectly, from the United States or by a U.S. person, wherever located, software that is of a type described in the Annex to this general license.<sup>1</sup>

**NOTE TO PARAGRAPHS (a)(2) AND (a)(3):** The authorizations in paragraphs (a)(2) and (a)(3) include the exportation, reexportation, or provision, directly or indirectly, to Iran of authorized hardware and software by an individual leaving the United States for Iran.

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<sup>1</sup> See Note 1 to paragraph (a).

(4) Internet connectivity services and telecommunications capacity. The exportation or reexportation, directly or indirectly, from the United States or by a U.S. person, wherever located, to Iran of consumer-grade Internet connectivity services and the provision, sale, or leasing of capacity on telecommunications transmission facilities (such as satellite or terrestrial network connectivity) incident to personal communications.

**NOTE TO PARAGRAPH (a)(4):** See 31 C.F.R. § 560.508 for authorizations relating to transactions with respect to the receipt and transmission of telecommunications involving Iran.

(5) Importation into the United States of hardware and software previously exported to Iran. The importation into the United States of hardware and software authorized for exportation, reexportation, or provision to Iran under 31 C.F.R. § 560.540(a) or paragraphs (a)(2) and (a)(3) of this general license by an individual entering the United States, directly or indirectly, from Iran, provided that the items previously were exported, reexported, or provided by the individual to Iran pursuant to 31 C.F.R. § 560.540(a) or paragraphs (a)(2) and (a)(3) of this general license.

(6) Publicly available,<sup>2</sup> no cost services and software to the Government of Iran.<sup>3</sup>

(i) Services. The exportation or reexportation, directly or indirectly, from the United States or by a U.S. person, wherever located, to the Government of Iran of services described in 31 C.F.R. § 560.540(a)(1) or categories (6) through (11) of the Annex to this general license, provided that

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<sup>2</sup> See Note 1 to paragraph (a).

<sup>3</sup> See 31 C.F.R. § 560.304.

such services are publicly available at no cost to the user. (ii) Software. The exportation, reexportation, or provision, directly or indirectly, to the Government of Iran of software described in 31 C.F.R. § 560.540(a)(2) or categories (6) through (11) of the Annex to this general license, read in conjunction with paragraph (a)(3) of this general license, provided that such software is publicly available at no cost to the user.

**NOTE 1 TO PARAGRAPH (a):** In sub-paragraph (a)(6), the term “publicly available” refers generally to software that is widely available to the public. Sub-paragraph (a)(3)(iii) refers to software that is described in 15 C.F.R. § 734.3(b)(3), which defines “publicly available” software for purposes of the EAR. The scope of the term “publicly available” in paragraph (a)(6) of this general license thus differs from the scope of the Department of Commerce’s regulation at 15 C.F.R. § 734.3(b)(3) as referenced in subparagraph (a)(3)(iii) of this general license.

**NOTE 2 TO PARAGRAPH (a):** The authorizations of U.S. persons set forth in paragraph (a) extend to entities owned or controlled by a U.S. person and established or maintained outside the United States (“U.S.-owned or -controlled foreign entities”), subject to the conditions set forth in 31 C.F.R. § 560.556.

**NOTE 3 TO PARAGRAPH (a):** Nothing in this general license relieves the exporter from compliance with the export license application requirements of another Federal agency.

(b) This general license does not authorize:

(1) The exportation, reexportation, or provision, directly or indirectly, of the services, software, or hardware specified in paragraph (a) with knowledge or reason to know that such services, software, or hardware are intended for the Government of Iran, except for services or software specified in paragraph (a)(6).

(2) The exportation, reexportation, or provision, directly or indirectly, of the services, software, or hardware specified in paragraph (a) to any person whose property and interests in property are blocked pursuant to any part of 31 C.F.R. chapter V, other than persons whose property and interests in property are blocked solely pursuant to Executive Order 13599 as the Government of Iran.

(3) The exportation or reexportation, directly or indirectly, of commercial-grade Internet connectivity services or telecommunications transmission facilities (such as dedicated satellite links or dedicated lines that include quality of service guarantees).

(4) The exportation or reexportation, directly or indirectly, of web-hosting services that are for commercial endeavors or of domain name registration services.

(5) Any transaction by a U.S.-owned or -controlled foreign entity otherwise prohibited by 31 C.F.R. § 560.215 if the transaction would be prohibited by any other part of chapter V if engaged in by a U.S. person or in the United States.



(6) Any action or activity involving any item (including information) subject to the EAR that is prohibited by, or otherwise requires a license under, part 744 of the EAR or participation in any transaction involving a person whose export privileges have been denied pursuant to part 764 or 766 of the EAR, without authorization from the Department of Commerce.

(c) Effective February 7, 2014, transfers of funds from Iran or for or on behalf of a person in Iran in furtherance of an underlying transaction authorized by paragraph (a) may be processed by U.S. depository institutions and U.S. registered brokers or dealers in securities so long as they are consistent with 31 C.F.R. § 560.516.<sup>4</sup>

(d) Specific licenses may be issued on a case-by-case basis for the exportation, reexportation, or provision of services, software, or hardware incident to personal communications not specified in paragraph (a) or the Annex to this general license.

(e) Effective February 7, 2014, GL D-1 replaces and supersedes in its entirety GL D, dated May 30, 2013.

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<sup>4</sup> This general license does not authorize any transaction prohibited by any part of chapter V of 31 C.F.R. other than part 560. Accordingly, the transfer of funds may not be by, to, or through any of the following: (1) a person whose property and interests in property are blocked pursuant to the Weapons of Mass Destruction Proliferators Sanctions Regulations, 31 C.F.R. part 544, or the Global Terrorism Sanctions Regulations, 31 C.F.R. part 594; or (2) a person whose property and interests in property are blocked pursuant to any other part of 31 C.F.R. chapter V, or any Executive order, except an Iranian financial institution whose property and interests in property are blocked solely pursuant to 31 C.F.R. part 560.

## **Annex – Services, Software, and Hardware Incident to Personal Communications**

### **Authorized for Exportation, Reexportation, or Provision to Iran**

#### **by Paragraph (a)(3) of ITSR General License D-1**

Note: See paragraph (a)(3)(ii)-(iii) of General License D-1 for authorizations related to certain hardware and software that is of a type described below but that is not subject to the EAR.

1.)	Mobile phones (including but not limited to smartphones), Personal Digital Assistants (PDAs), Subscriber Identity Module (SIM) cards, and accessories for such devices designated EAR99 or classified on the CCL under ECCN 5A992.c; drivers and connectivity software for such hardware designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.
2.)	Satellite phones and Broadband Global Area Network (BGAN) hardware designated EAR99 or classified under ECCN 5A992.c; demand drivers and connectivity software for such hardware designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.
3.)	Consumer* modems, network interface cards, radio equipment (including antennae), routers, switches, and WiFi access points, designed for 50 or fewer concurrent users, designated EAR99 or classified under ECCNs 5A992.c, 5A991.b.2, or 5A991.b.4; drivers, communications, and connectivity software for such hardware designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.
4.)	Residential consumer* satellite terminals, transceiver equipment (including but not limited to antennae, receivers, set-top boxes and video decoders) designated EAR99 or classified under ECCNs 5A992.c, 5A991.b.2, or 5A991.b.4; drivers, communications, and connectivity software for such hardware designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.
5.)	Laptops, tablets, and personal computing devices, and peripherals for such devices (including but not limited to consumer* disk drives and other data storage devices) and accessories for such devices (including but not limited to keyboards and mice) designated EAR99 or classified on the CCL under ECCNs 5A992.c, 5A991.b.2, 5A991.b.4, or 4A994.b; computer operating systems and software required for effective consumer use of such hardware, including software updates and patches, designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.

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\* For purposes of this Annex, the term “consumer” refers to items that are: (1) generally available to the public by being sold, without restriction, from stock at retail selling points by means of any of the following: (a) over-the-counter transactions; (b) mail order transactions; (c) electronic transactions; or (d) telephone call transactions; and (2) designed for installation by the user without further substantial support by the supplier.

6.)	Anti-virus and anti-malware software designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
7.)	Anti-tracking software designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
8.)	Mobile operating systems, online application for mobile operating systems (app) stores, and related software, including apps designed to run on mobile operating systems, designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
9.)	Anti-censorship tools and related software designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
10.)	Virtual Private Network (VPN) client software, proxy tools, and fee-based client personal communications tools including voice, text, video, voice-over-IP telephony, video chat, and successor technologies, and communications and connectivity software required for effective consumer use designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
11.)	Provisioning and verification software for Secure Sockets Layers (SSL) certificates designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.

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Adam J. Szubin,

Director, Office of Foreign Assets Control.

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